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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
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Streamlining Broadcast EEO )  
Rule and Policies, Vacating the EEO ) MM Docket No. 96-16  
Forfeiture Policy Statement )  
and Amending Section 1.80 of )  
the Commission's Rules To Include )  
EEO Forfeiture Guidelines )

COMMENTS OF CBS INC.

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July 11, 1996

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## TABLE OF CONTENTS

SUMMARY . . . . .	(ii)
I. The Forfeiture Guidelines Proposed In The Notice May Unfairly Penalize Licensees With Good EEO Records. Furthermore, The Guidelines Fail To Give Adequate Consideration To The Circumstances Of Stations Operating In Markets With Small Minority Populations . . . . .	4
II. The Commission Should Afford Stations Which Meet Specified Employment Benchmarks Increased Flexibility In Complying with the Commission's Recruitment Requirements And Should Not Impose Enforcement Sanctions On Such Stations . . . . .	12
III. The Commission Should Expand Its Test For The Use Of Alternative Workforce Data . . . . .	18
CONCLUSION . . . . .	22

## SUMMARY

In these comments, CBS sets forth what it believes to be a self-evident proposition: a broadcaster with a good record of actually hiring and employing women and minorities should not be subject to FCC sanctions merely because of its failure to follow government-approved recruitment procedures, or because it has not kept paperwork deemed sufficient by the Commission to document such compliance. Specifically, we urge the Commission to make clear in this proceeding that broadcasters whose employment of women and minorities reasonably reflects the presence of these groups in the overall workforce will not be subject to fines and short term renewals, based solely on their inability to document compliance with the applicant pool standards set forth in the Commission's proposed forfeiture guidelines.

CBS supports the suggestion made in the Notice that broadcasters who consistently meet specified employment benchmarks generally be presumed to be in compliance with the Commission's EEO rules. We urge the Commission now to implement such a standard to the greatest extent possible consistent with its existing authority under Section 22(f) of the 1992 Cable Act, and promptly to seek Congressional approval for any remaining

necessary changes in its rules and forms. CBS proposes a benchmark standard modeled on the Commission's existing EEO processing guidelines, which would be met when the proportion of a station's minority and female employees, both overall and in the top four job categories, was at least 50 percent of the representation of those groups in the relevant labor force. Under our proposal, broadcasters meeting these benchmarks would still be required to demonstrate their continuing affirmative efforts to recruit women and minorities; however, they would be permitted to do so by any reasonable means, rather than being judged solely on the meticulousness with which they retained applicant pool data.

CBS also believes that the Commission should expand its test for granting a licensee's request to have its EEO record evaluated by reference to alternative labor force data. The Commission has traditionally considered such requests only where a station draws its employees from a labor pool smaller than is contained within its entire MSA. There are, however, situations in which a station draws a substantial portion of its workforce from outside the MSA in which it is located. In such cases, a station should also have the opportunity to demonstrate that its EEO performance should be measured against broader labor force data.

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COMMENTS OF CBS INC.

CBS Inc. (CBS") hereby respectfully submits its comments in response to the Commission's Notice of Proposed Rulemaking (the "Notice") in the above proceeding. The Notice seeks comment on a number of possible revisions to the Commission's EEO rules and policies, as well as on proposed guidelines for the imposition of forfeitures for EEO violations.

In considering possible "clarifications and improvements" to its EEO rules, the Commission particularly encourages proposals that would "minimize paperwork burdens for all broadcasters while maintaining effective industry EEO oversight."<sup>1</sup> As a broadcaster with a long record of success in

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<sup>1</sup> Notice at ¶ 17.

employing women and minorities, CBS strongly agrees that the Commission's objective in this proceeding should be to eliminate unnecessarily burdensome regulation, while maintaining its historic commitment to the promotion of EEO objectives in broadcasting.

Toward that end, we set forth in these comments what we believe to be a self-evident proposition: a broadcaster with a good record of actually hiring and employing women and minorities should not be subject to FCC sanctions merely because of its failure to follow government-approved recruitment procedures, or because it has not kept paperwork deemed sufficient by the Commission to document such compliance. Specifically, we urge the Commission to make clear in this proceeding that broadcasters whose employment of women and minorities reasonably reflects the presence of these groups in the overall workforce will not be subject to fines and short term renewals, based solely on their inability to document compliance with the applicant pool standards set forth in the Commission's proposed forfeiture guidelines.

Along these same lines, we support the suggestion made in the Notice that broadcasters who consistently meet specified employment benchmarks generally be presumed to be in compliance

with the Commission's EEO rules. Under the proposal which we set forth below, broadcasters meeting such employment benchmarks would still be required to demonstrate their continuing affirmative efforts to recruit women and minorities; however, they would be permitted to do so by any reasonable means, rather than being judged solely on the meticulousness with which they retained applicant pool data. We respectfully submit that implementation of this proposal would strongly maintain the substance of the Commission's EEO rules and policies, while avoiding any appearance that the Commission is engaged in regulation for its own sake.

CBS also believes that the Commission should expand its test for granting a licensee's request to have its EEO record evaluated by reference to alternative labor force data. As discussed below, the Commission has traditionally considered such requests only where a station draws its employees from a labor pool smaller than is contained within its entire MSA. There are, however, situations in which a station draws a substantial portion of its workforce from outside the MSA in which it is located; in such cases, using only the population statistics of the MSA to which the station is licensed may have a significant distortive effect on the station's assumed labor pool. In those circumstances, we submit, a station should also have the

opportunity to demonstrate that its EEO performance should be measured against more realistic labor force data.

- I. THE FORFEITURE GUIDELINES PROPOSED IN THE NOTICE MAY UNFAIRLY PENALIZE LICENSEES WITH GOOD EEO RECORDS. FURTHERMORE, THE GUIDELINES FAIL TO GIVE ADEQUATE CONSIDERATION TO THE CIRCUMSTANCES OF STATIONS OPERATING IN MARKETS WITH SMALL MINORITY POPULATIONS.

CBS's Owned broadcast stations historically have had success in meeting the FCC's equal employment opportunity standards and generally do not anticipate difficulty in meeting the requirements proposed in the Notice. Moreover, CBS is fully committed to and supportive of the principles of promoting diversity of programming and equal employment opportunity that underlie the Commission's EEO rules.

CBS believes, however, that the Commission's proposed forfeiture guidelines are arbitrary and unfair to the extent that they may operate to impose forfeitures and, in some circumstances, short-term renewals on licensees with good records in employing women and minorities, based merely on the licensee's inability to document its compliance with the guidelines' "applicant pool" standards or the Commission's EEO recruitment procedures.

The cornerstone provision of the proposed guidelines



indicates that a base forfeiture of \$12,500 (accompanied by reporting conditions) will be imposed for failure to have an "adequate" pool of minority and female applicants for at least 66% of a licensee's job openings during the license term.<sup>2</sup> The guidelines provide for the assessment of a further forfeiture and the possibility of short-term renewal if a licensee fails to have an adequate pool of minority and female applicants for at least 33% of its vacancies in the license period.<sup>3</sup>

The guidelines also make clear that a licensee's failure to have records documenting its compliance with these applicant pool standards will constitute virtually a per se violation of the requirements.<sup>4</sup> In order to comply with the guidelines, therefore, a licensee must keep detailed records of the sex and ethnicity of all applicants for every job opening at the station during the license period. It must carefully monitor the presence of women and minorities in each of its applicant pools to ensure that the representation of these groups is "adequate." And in order to properly "self-assess" the effectiveness of its EEO program, the licensee also must

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<sup>2</sup> Notice at Appendix A, Proposed Forfeiture Guidelines, p. 26 (hereafter "Proposed Forfeiture Guidelines").

<sup>3</sup> Proposed Forfeiture Guidelines at I.A, p. 27.

<sup>4</sup> Proposed Forfeiture Guidelines, p. 26.

carefully record the source which referred each of its job applicants to the station.<sup>5</sup>

Where a licensee's actual record in hiring women and minorities raises questions as to the effectiveness of its EEO program, CBS agrees it is entirely appropriate for the Commission to scrutinize the licensee's efforts to attract minority and female applicants for its job openings. In such circumstances, the Commission clearly should focus on the presence (or absence) of women and minorities in the licensee's applicant pools and on the licensee's outreach efforts.

But where a licensee has a demonstrably good record in hiring women and minorities, CBS believes it would be unfair to penalize the licensee for its failure to meet the applicant pool standards set forth in the proposed guidelines, or for its inability to document such compliance. An EEO program that has a record of success in actually hiring women and minorities speaks for itself; the Commission need not focus on other indicia of the licensee's efforts where a station's employment record itself shows that those efforts are achieving success. The ultimate goal of an effective EEO program is, of course, a diverse workforce, and particular recruiting procedures are merely a

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<sup>5</sup> See, e.g., Proposed Forfeiture Guidelines at I.A, p. 27.

means to this end.

Ignoring this self-evident point, the proposed forfeiture guidelines seemingly fail to take any account whatsoever of a licensee's actual record of employment and hiring. Indeed, the proposed standards inexplicably fail to provide even for the minimal reduction of penalties based on a broadcaster's actual employment record that was available under the Commission's now-vacated EEO forfeiture standards.<sup>6</sup> While the import of this omission is not entirely clear,<sup>7</sup> the Notice's failure to make any reference at all in its discussion of the proposed forfeiture guidelines to a licensee's actual employment and hiring record suggests that the Commission may intend to impose the enumerated sanctions regardless of a licensee's performance in these areas.

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<sup>6</sup> See, Standards for Assessing Forfeitures for Violations of the Broadcast EEO Rules, 9 FCC Rcd 929, 935-36 (1994) ("1994 Forfeiture Standards"). See also, discussion in note 8, infra.

<sup>7</sup> In this regard, we note that the Commission emphasizes in the Notice that it would retain the discretion to determine whether or not a forfeiture should be imposed under the facts of a particular case. Notice at ¶ 46. We respectfully submit, however, that the Commission should leave no room for doubt that it does not intend to impose sanctions -- as it did under its previous forfeiture guidelines -- against licensees with good hiring and employment records.

Unfortunately, both the Commission's previous forfeiture guidelines, and its decisions under those standards, indicate that there is real reason for this concern. Thus, where the Commission's applicant pool standards were not met, the previous guidelines clearly contemplated the imposition of forfeitures, and in some circumstances short-term renewals, even against licensees whose hiring or overall employment of minorities and women effectively mirrored their representation in the local workforce.<sup>8</sup> And the guidelines were so applied by the Commission. For example, in San Luis Obispo Limited Partnership, the Commission issued a Notice of Apparent Liability for \$25,000, and imposed a short-term renewal and reporting conditions, on a licensee that "hired minorities during the ... period [examined

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<sup>8</sup> Thus, under the previous guidelines, forfeitures could be imposed for failure to meet the applicant pool standards even where a licensee's hiring or employment of women and minorities -- both overall and in the top four employment categories -- consistently equalled 100% of the representation of those groups in the relevant labor force. Moreover, the guidelines provided only for a presumption against a short term renewal in such circumstances, and indicated that if an EEO program of the type approved by the Commission was "complete[ly] absen[t]," the presumption against a short term renewal would be rebutted. See, 1994 Forfeiture Guidelines, supra, 9 FCC Rcd at 935-36. Only where a station's hiring and overall employment of women and minorities were both at or above 100% of the representation of those groups in the relevant labor force could a station have been assured of receiving a license renewal for a full term -- although it would still apparently have been liable to a forfeiture if it could not document compliance with the applicant pool standards. Id. at 936.

by the Commission] at a rate equal to 100% of the minority representation" in the relevant labor force.<sup>9</sup>

CBS respectfully submits that the imposition of sanctions in such circumstances is both arbitrary and unfair. Where a licensee's actual record of employing women and minorities reflects commitment to and success in achieving EEO objectives, it is simply unreasonable to penalize a licensee for being unable to document the presence of an "adequate" number of female and minority candidates in the station's applicant pools. For this reason, as discussed in more detail below, we urge the Commission to make clear in this proceeding that its forfeiture and applicant pool guidelines will not apply to stations which consistently maintain an employment profile which reasonably reflects the presence of women and minorities in the available workforce.

An additional manifest difficulty with the proposed forfeiture guidelines is that they fail to give adequate consideration to the circumstances of licensees operating in

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<sup>9</sup> 9 FCC Rcd 894, 900 (1994). See also Eagle Broadcasting Company (WHCU(AM)/WYXL(FM)), 9 FCC 2132, 2137 (1994) (Notice of Apparent Liability issued for \$6,250 even though the "licensee hired or offered to hire minorities in numbers greater than 100% of minority representation in the relevant labor force.")

markets with small minority populations. As applied to these licensees, the 66% and 33% applicant pool requirements are arbitrary and unreasonable yardsticks for judging EEO performance, since the figures bear no relation to the realities of minority representation in these licensees' markets.

A good example is the Green Bay, Wisconsin market, in which the CBS Owned television station WFRV-TV is located. According to 1990 U.S. Census labor force data (on which the Equal Employment Opportunity Branch of the Mass Media Bureau now relies), minorities comprise merely 2.6% of the total civilian workforce in the Green Bay Metropolitan Statistical Area.<sup>10</sup> It would be highly unfair to expect a licensee in a market with a 2.6% minority workforce to ensure "adequate" minority representation in 66% -- or even 33% -- of its applicant pools, and to impose forfeitures (and possibly even short-term renewals) for its failure to meet these standards.

Nonetheless, that is precisely what the guidelines proposed in the Notice would do. Under the proposed standards, the only consideration given to a station in a market where

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<sup>10</sup> The actual figures reported are 0.2% Black, 0.5% Hispanic, 0.6% Asian, and 1.3% American Indian. See 1990 Census Data Summary Report (P)MSA Total Percentages for Total Civilian Labor Force at 5, March 31, 1993.

minorities constitute less than six percent of the relevant labor force would be a \$6,250 downward adjustment in any forfeiture imposed for failing to meet the applicant pool standards, and the possible non-issuance of a short term renewal "depending on staff balancing of factors."<sup>11</sup> Apparently, therefore, if a Green Bay television or radio station were unable to attract an "adequate" number of minority candidates for a third of its applicant pools, it would be subject to a \$12,500 fine<sup>12</sup> and a possible short term renewal, even though the overall presence of minorities in the available labor force is only 2.6 percent.

This example forcefully illustrates, we believe, that the proposed forfeiture guidelines fail adequately to account for the realities of markets, whether large or small,<sup>13</sup> which have small minority populations. CBS respectfully submits that licensees in such markets should be exempted entirely from the

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<sup>11</sup> Proposed Forfeiture Guidelines at III, p. 29.

<sup>12</sup> Thus, the \$6,250 upward adjustment (from the \$12,500 base forfeiture) for failure to meet the applicant pool standard for at least one-third of the station's job vacancies would apparently be cancelled out by a downward adjustment for a minority representation of less than six percent in the relevant workforce. The station would thereby be left subject to a base forfeiture of \$12,500.

<sup>13</sup> Since Green Bay is the 70th largest television market, see Broadcasting and Cable Yearbook 1995 at C164, it should be apparent that the problem with the guidelines is not limited to small markets.

proposed applicant pool guidelines, rather than merely being made liable to a reduced fine for their failure to comply with a standard which, as a practical matter, it may be impossible for them to meet.

II. THE COMMISSION SHOULD AFFORD STATIONS WHICH MEET SPECIFIED EMPLOYMENT BENCHMARKS INCREASED FLEXIBILITY IN COMPLYING WITH THE COMMISSION'S RECRUITMENT REQUIREMENTS AND SHOULD NOT IMPOSE ENFORCEMENT SANCTIONS ON SUCH STATIONS.

In its Notice, the Commission suggests that it might permit licensees to demonstrate compliance with its EEO regulations by meeting a specified employment benchmark.<sup>14</sup> Under such an approach, stations would not be required to submit or retain detailed job-by-job recruitment and hiring records if their employment profile for both overall and upper-level positions met the benchmark for most of the license term. Absent evidence of unlawful discrimination in on-going hiring, qualifying stations would be deemed in presumptive compliance with the Commission's EEO rule, and would not be subject to enforcement sanctions.

For the reasons set forth above, CBS strongly favors such an approach. As we have argued, it is simply anomalous to impose sanctions on a licensee which in fact employs substantial

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<sup>14</sup> Notice at ¶ 25.



numbers of women and minorities merely for its failure to adhere to particular recruitment and record-keeping procedures. Indeed, imposing burdensome paperwork requirements on broadcasters where they are apparently unnecessary can only lessen support for the substantive objectives of the Commission's EEO rules.

Adoption of an employment benchmark could, we believe, do much to reduce the intrusiveness of Commission regulation in this area, without in any way lessening the effectiveness of EEO enforcement. Although the Commission may presently be constrained from fully implementing such a standard as to television licensees by Section 22(f) of the Cable Consumer Protection and Competition Act of 1992 (the "1992 Cable Act"),<sup>15</sup> we nonetheless urge that it do so to the full extent of its existing authority, and seek Congressional approval for any remaining necessary changes in its rules and forms.

As we envision it, a benchmark standard would not relieve qualifying stations of their obligation to demonstrate continuing affirmative efforts to attract minority and female job applicants. It would simply afford them additional flexibility

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<sup>15</sup> Section 22(f) prohibits the Commission from revising, except for necessary "non-substantive technical or clerical revisions," either its EEO regulations or forms pertaining to television licensees or permittees as they existed on September 1, 1992. 47 U.S.C. § 334.

in choosing the means by which to accomplish that end. Under our proposed standard, the EEO programs of stations not meeting the benchmark would continue to be subject to more exacting review under the Commission's existing requirements; however, licensees whose employment profiles reasonably and consistently reflected the relevant workforce would not be subject to sanctions based merely on their failure to keep required paperwork.

With this background, we propose the following. The Commission should adopt a benchmark modeled on its existing EEO processing guidelines, which would be met when the proportion of a station's minority and female employees, both overall and in the top four job categories, was at least 50 percent of the representation of those groups in the relevant labor force.<sup>16</sup> In

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<sup>16</sup> We believe using a 50 percent of parity standard for this purpose would be appropriate for a number of reasons. As noted in the text, meeting the benchmark would not excuse a broadcaster from the obligation of maintaining an affirmative EEO program designed to attract minority and female job applicants, but would merely afford it the discretion to choose for itself the method by which it would do so. The 50 percent of parity figure would thus in no way constitute an "acceptable" level of minority or female employment at which a licensee's on-going EEO efforts could cease; rather, it would only serve to indicate a lessened need for detailed Commission scrutiny of those efforts on a job-by-job basis.

Further, we respectfully submit that, if the Commission genuinely seeks to reduce paperwork burdens for licensees, it should not require a virtually perfect  
(continued...)

order to qualify for more flexible EEO review at renewal time, a station would have to maintain this employment profile during at least 75 percent of the license term. As noted above, qualifying stations would still be required to demonstrate continuing affirmative recruitment efforts, but could do so by any reasonable means. Such stations could, for example, show that they had continued to contact minority and female recruitment sources regarding job openings at the station, participated in minority job fairs and professional conventions, conducted internship programs likely to produce minority and female applicants, engaged in on-campus interviewing at schools with substantial minority or female enrollments, or utilized the resources of centralized recruiting sources (such as a state broadcasters' association) in order to attract potential minority and female employees. Qualifying stations would not, however, be required to keep job-by-job recruiting and hiring records, or

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<sup>16</sup>(...continued employment and hiring record before providing such relief. Because only a relatively small number of stations would presently meet a 100 percent parity figure for both overall and top-four employment, making this the benchmark for any relaxation of the Commission's requirements in this area would render such a liberalization largely meaningless at the outset. Again, we emphasize that the question is not whether a broadcaster should be required to continue its EEO efforts at 50 percent -- or indeed 100 percent -- of parity, but whether it is appropriate rigidly to apply the Commission's recruitment procedures and forfeiture guidelines to stations employing women and minorities at this level.

demonstrate compliance with the Commission's applicant pool standards. Similarly, such stations would be presumed to be in compliance with the Commission's EEO rules and would not be subject to enforcement sanctions, provided that they were able reasonably to demonstrate continuing recruitment efforts in the manner described above.

We believe the advantages of the above proposals are clear. First, it would do much to accomplish the Commission's stated goal of minimizing unnecessary paperwork for licensees. Further, it would eliminate the potential imposition of sanctions against stations which employ substantial proportions of minorities and women based merely on record-keeping violations. Finally, it would emphasize the continuing obligation of all licensees to engage in affirmative EEO efforts, while allowing qualifying stations appropriate flexibility in determining how those efforts should be made.

We believe the Commission may adopt much of this proposal now within the limits of Section 22(f) of the 1992 Cable Act. First, the Commission may clearly adopt the proposal in its entirety as to radio stations, since Section 22(f) has no applicability to these licensees. Moreover, although the Commission apparently may not, in the absence of Congressional

action, eliminate the requirement that television licensees report the number of job applicants they have attracted from various referral sources -- since that information is presently called for by FCC Form 396 -- there is nothing in Section 22(f) which requires the Commission to apply its newly proposed applicant pool standards to television licensees meeting specified employment benchmarks. Nor does Section 22(f) preclude the Commission from announcing, as a matter of its own enforcement discretion, that it will not impose sanctions for violation of certain of its EEO regulations on radio or television stations whose employment profiles fall within the specified range.<sup>17</sup>

In order to simplify its EEO enforcement efforts -- and to ensure that licensees and others do not perceive those efforts as exalting form over substance -- the Commission should immediately proceed to implement an employment benchmark standard to the greatest permissible extent. Specifically, we urge the Commission to announce in this proceeding that its proposed applicant pool and forfeiture guidelines will not be applicable

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<sup>17</sup> Indeed, the Commission's proposal of the forfeiture guidelines set forth in the Notice necessarily assumes that Section 22(f) of the 1992 Cable Act does not preclude the Commission from promulgating discretionary guidelines as to the manner in which it will enforce its EEO regulations.

to television or radio stations meeting the standard proposed above. Further, we urge the Commission to amend its regulations and forms to make clear that radio stations meeting this standard will no longer be required to maintain job-by-job recruitment and hiring records, and that such stations will be presumed to be in compliance with the Commission's EEO rules upon demonstration of their continued affirmative efforts to recruit women and minorities by any reasonable means. Finally, we request that the Commission promptly seek authority from Congress to make corresponding changes in its EEO forms and regulations as they apply to television licensees, so that the more flexible enforcement approach outlined above may be applied to those licensees as well.

III. THE COMMISSION SHOULD EXPAND ITS TEST FOR THE USE OF ALTERNATIVE WORKFORCE DATA.

In its Notice, the Commission also asks for comment on its test for granting a licensee's request to have its EEO record evaluated by reference to an alternative labor force.<sup>18</sup> Traditionally, the Commission's test has been concerned with the conditions under which it may be appropriate to permit the use of alternative labor force data because a licensee is effectively unable to recruit from certain areas within its metropolitan

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<sup>18</sup> Notice at ¶ 35.

statistical area ("MSA") due to distance or commuting difficulties.<sup>19</sup> Although CBS believes that the Commission's test in this regard is satisfactory,<sup>20</sup> it respectfully submits that the employment of alternative labor force data should also be permissible when a station is located within a large consolidated metropolitan area in which more than one MSA is included, and the station can demonstrate that a substantial portion of its workforce is in fact drawn from a neighboring MSA. In these circumstances, using only the population statistics of the MSA to which the station is licensed -- rather than those for the entire area from which its workforce actually comes -- may have the effect of significantly overstating minority representation in the available workforce.

This is the case, for example, in the Miami-Fort Lauderdale market, as shown in a petition requesting the use of alternative labor force data submitted to the Commission by the licensees of six television stations located in Dade County.<sup>21</sup>

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<sup>19</sup> See Notice at ¶ 35; Applications of Buckley Broadcasting Corporation, 9 FCC Rcd 2099, 2101 (1994).

<sup>20</sup> CBS nonetheless favors the proposed reformulation of the second prong of the test proposed in the Notice. Notice at ¶ 35.

<sup>21</sup> See, Joint Request of Miami-Fort Lauderdale Television Stations to Use Broward-Dade County Labor Force Data for EEO Purposes, dated June 15, 1994 (hereafter "Joint (continued...)")

(A copy of the petition is attached hereto.) As shown in that filing, the Commission's standard assumption that a television station's MSA defines its actual labor pool, while appropriate for many television markets in the country, significantly distorts reality for stations licensed to Miami. This distortion occurs because the MSA used to define these stations' labor pool for EEO purposes is limited to Dade County, when in fact approximately 40% of their viewers and potential employees live in adjoining Broward County.<sup>22</sup> And while both Broward and Dade counties are large, diverse areas with significant minority populations, the overall minority labor force in Dade County is 71.5 percent, compared to 25.8 percent in Broward County, with Hispanics alone constituting 51.4 percent of the Dade County labor force.<sup>23</sup>

As shown in the attached petition, approximately 35 percent of the full time employees of the six Miami television stations in question reside in Broward County.<sup>24</sup> The stations naturally draw from the Broward labor pool because their

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<sup>21</sup>(...continued)  
Request").

<sup>22</sup> See, Joint Request at 4, nn. 12 and 13.

<sup>23</sup> See, id. at Attachment B.

<sup>24</sup> Id. at Attachment A.



facilities are reasonably accessible to both Broward and Dade counties' population centers, including those with significant concentrations of minority group members. Indeed, one of the stations has its main studio in Broward County, and the other five stations have main studios in the northeastern part of Dade County.<sup>25</sup>

Moreover, the Miami-Fort Lauderdale area is not only considered to be a single television market,<sup>26</sup> but is considered to be a combined metropolitan area for many other purposes as well. Most notably, the Office of Management and Budget, using 1990 U.S. Census data, classifies the bi-county area as the Miami-Fort Lauderdale Consolidated Metropolitan Statistical Area ("CMSA").<sup>27</sup> Given these circumstances, it is clearly unreasonable to assess the employment profile of Miami television stations only against Dade County labor force data. Accordingly, we urge the Commission to grant the attached petition, filed by six Miami television stations in June 1994, to permit them to use Dade-Broward County labor force data for EEO purposes.

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<sup>25</sup> Id. at 6

<sup>26</sup> See, Broadcasting and Cable Yearbook 1995, Vol. 1, at C-182.

<sup>27</sup> See, U.S. Bureau of the Census, Metropolitan Areas (MSAs, CMSAs and PMSAs) as designated by OMB, revised June 1993.